


that removal is proper based on diversity jurisdiction. Instead, he contends that Plaintiff both initially and to this day alleges claims that arise, at least in part, under federal law. The Court agrees. Including his Petition in State Court, Plaintiff has now filed three versions of his Complaint against Defendant. In each iteration of his claims, Plaintiff asserts entitlement to relief under 42 U.S.C. § 1983. Section 1983 provides a framework for a plaintiff to recover against individual state actors for violations of federal constitutional or statutory rights. *See D.A. ex. rel. Latasha A. v. Hous. Indep. Sch. Dist.*, 629 F.3d 450, 456 (5th Cir. 2010). Despite Plaintiff's claims that he has dropped all federal claims against Defendant, he clearly has not. (See Pl.'s 3d Am. Compl. ¶ 1 ("This action is commenced under section 1 of the Fourteenth Amendment to the United States Constitution and under Federal Civil Rights statute 42 U.S.C. §[] 1983")). Accordingly, the Court finds that it does have federal question jurisdiction over the instant case, and Plaintiff's Motion to Remand is **DENIED**.

SO ORDERED.

DATED May 6, 2011


JANE J. BOYLE
UNITED STATES DISTRICT JUDGE